

# Springside P-9 College Photography and Filming Policy



## **Purpose:**

To ensure the collection and use of student photographs and/or film in schools:

- protects the personal information of individuals
- respects the individual's right to control how and for what purpose their personal information is used
- complies with the relevant legislation and Department policy.

## **Policy:**

Principals must:

- advise parents/guardians when photographs and/or film are to be taken and how they will be stored and used
- provide parents/guardians with the choice to withhold or withdraw consent for their child to be photographed or filmed
- control and manage how and when others collect and publish photographs and/or film of students
- obtain parents'/guardians' permission before student photographs and /or film are published
- consider whether to allow parents/guardians to photograph or film their children participating in school events or performances.

**Note:** Schools must ensure that a professional photographer engaged by the school sign a Confidentiality Deed prior to being permitted to take school photographs.

## **Photographs and Film:**

Photographs, video or digital images of a student are considered "personal information" and therefore their use and disclosure are governed by the *Information Privacy Act 2000* (Vic) (IP Act) and the Information Privacy Principles contained within it. Photographs, video and digital images of students may also contain copyright, and therefore may also be governed by the *Copyright Act 1968* (Cth) (Copyright Act).

**Note:** In some cases it is better to use groups rather than individual photographs.

## **Collection, use and disclosure by the school:**

To comply with the *IP Act*, consent will generally be required from parents/carers before schools can collect and use student photographs and film. In some instances, additional consent may be required to ensure compliance with the *Copyright Act*.

The table below summarises what documentation is required to enable schools to collect, use and disclose photographs, video and digital images in certain circumstances.

Collection type	School Use	Disclosure to third parties	Documentation required
Official school photographs	<ul style="list-style-type: none"> <li>Storage on CASES21</li> <li>School identification cards</li> </ul>	<ul style="list-style-type: none"> <li>Parents / guardians</li> <li>School magazine</li> </ul>	<ul style="list-style-type: none"> <li>School-level policy</li> <li>Specific Consent Form for School Photographs</li> </ul>
Other school photos, video, film, digital images	<ul style="list-style-type: none"> <li>School newsletters</li> <li>Intranet</li> <li>Within the school</li> </ul>	<ul style="list-style-type: none"> <li>School magazine</li> <li>School website</li> <li>Other internet websites</li> <li>Media</li> </ul>	<ul style="list-style-type: none"> <li>School-level policy</li> <li>General Consent Form (if for school use only)</li> <li>Specific Consent Form (if for disclosure to third parties)</li> <li>Copyright Release Form</li> </ul>
Closed circuit television (CCTV)	<ul style="list-style-type: none"> <li>Detect and deter vandalism, graffiti or other unwanted activities.</li> <li>Monitor outdoor areas, corridors and other areas of the school.</li> </ul> <p><b>Prohibited in the following circumstances:</b></p> <ul style="list-style-type: none"> <li>monitoring the work performance of staff or students</li> <li>use in toilets, shower and change rooms or staff rooms</li> <li>concealed or covert cameras in any location.</li> </ul>	<ul style="list-style-type: none"> <li>Only in very restricted and limited circumstances</li> </ul> <p><b>Note:</b> Contact the Legal Services Unit to obtain advice about your particular circumstances</p>	<ul style="list-style-type: none"> <li>Compliance with legislation including the <i>Surveillance Devices Act 1999 (Vic)</i>.</li> <li>Compliance with Department policies – contact the Security Services Unit for assistance with the guidelines and the approval process.</li> </ul>

**Collection, use and disclosure by third parties:**

Schools also have a degree of control over the collection of photographs, video and digital images by third parties during school hours and at school approved activities.

This table summarises what documentation is required to enable third parties to collect photographs, video and digital images in these circumstances.

Third party	Documentation required
Parents / guardians	<ul style="list-style-type: none"><li>• School-level policy</li></ul>
Students	<ul style="list-style-type: none"><li>• School-level policy</li></ul>
School photographer	<ul style="list-style-type: none"><li>• School-level policy</li><li>• Specific consent form for school photographs</li><li>• Confidentiality Deed</li></ul>
Other professional photographer	<ul style="list-style-type: none"><li>• School-level policy</li><li>• Specific consent form</li><li>• Confidentiality Deed</li></ul>
Media	<ul style="list-style-type: none"><li>• School-level policy</li><li>• Specific consent form</li></ul>

**School-level policy:**

Schools should develop a policy about photographing and filming students. This policy should include information about:

- whether the school arranges for individual and classroom photographs to be taken each year; and then detail the notification, consent and publication procedures and protocols the school will follow
- the collection, use and disclosure of other school photos, video, film and digital images that may be taken by the school from time to time
- whether the school permits the media to take photographs and film of the students and the notification, consent and publication procedures and protocols that the school will follow
- whether the school permits parents/carers and students to record school performances, school activities and other school approved activities
- whether the school uses CCTV footage and the use, purposes and possible disclosures of this footage
- the school's position about the collection, use and disclosure of photographs, video, film, and digital images by third parties.

The school-level policy should be regularly communicated to the parents/carers and students.

**Consent forms:**

This table describes the consent forms and their purposes that schools should be aware of:

Form	Purpose
Specific Consent Form for School Photographs	<p>Schools usually arrange for a photographer to take individual, class or teaching photographs that are later sold to parents/carers.</p> <p>Before the photographer comes to the school the school must provide the parents/carers with a written notice of when photographs should be taken. This form must also include information about the storage of these photographs on CASES21 and the proposed other use of the individual photograph.</p> <p>Parents/carers can provide informed consent or withhold consent for the collection, use and disclosure of their child photographs at any time by contacting the school.</p> <p>Note: In CASES21 the student photo is used by the school for educational and administrative purposes. Access to CASES21 is restricted to school employees approved by the school principal and Department technical support staff.</p>
General Consent	<p>Schools should develop this form for the collection and use of photographs, video, film, and digital images taken by the school. This should cover generic uses such as publication in the school newsletter, school magazine, on the intranet, and within the school.</p> <p>This form should be distributed regularly, preferably at the beginning of each school year.</p>
Specific Consent	<p>Schools should develop this form for the collection, use and disclosure of photographs, video, film, and digital images whenever one or more of the following circumstances apply:</p> <ul style="list-style-type: none"> <li>• any circumstances that is not covered by the general consent form</li> <li>• if the circumstances are unique or different</li> <li>• if it may involve disclosure to third parties.</li> </ul> <p>It is important that the form contains specific and detailed information about the proposed collection, use and disclosure. This will ensure that the school obtains informed consent from the parents/carers to collect, use and disclose the “personal information” of their child.</p>

**Copyright release form:**

Photographs, video and digital images of students may also contain copyright, and are therefore also governed by the *Copyright Act 1968* (Cth). It may be necessary for the school to obtain a license from the student(s) to use and/or disclose this material. If the school is unsure whether a copyright release form is necessary in a particular circumstance, they should contact the Legal Services Unit for advice.

**Victorian Department of Education Photographing and Filming Students Policy**  
<http://www.education.vic.gov.au/school/principals/spag/safety/Pages/photoandfilm.aspx>

**Evaluation:**

This policy will be reviewed as part of the colleges review cycle.

This policy was last ratified by school council in AUGUST 2015